

## **REMARKS**

Applicant responds hereby to the Non-final Office Action dated July 9, 2008. Claims 1-10, 12-14 and 16-21 are amended hereby. Claims 11 and 15 were previously cancelled without prejudice or disclaimer of subject matter. Claims 22-24 are newly added without entering new matter. Claims 1-10, 12-14, and 16-24 remain pending hereinafter, where Claims 1 and 17 are independent claims.

Favorable consideration and allowance of the claims of the present application are respectfully requested.

### **Response to rejections under 35 U.S.C. §103(a)**

The Examiner rejects Claims 1, 16-18, 20 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn (US Patent No. 7,050,807) (hereinafter "Osborn") and Saylor et al. (US Patent Publication No. 2002/0186238 A1) (hereinafter "Saylor").

The Examiner alleges that Osborn discusses "a first resource uses a second resource to perform a function" and "a first resource and a second resource are connected to communicate each other" at col. 4 lines 23-51. In response, independent Claims 1 and 17 are being amended to delete "a first resource uses a second resource to perform a function" and "a first resource and a second resource are connected to communicate each other". However, Osborn, Saylor, whether alone or in a combination, fail to teach or discuss "a first resource is a runtime container for a second resource, a first resource is a federation of other resources including a second resource, and a first resource includes a second resource and the first resource is a set of homogenous resources".

The Examiner alleges that an abstract resource description in Osborn teaches or suggests the “Concrete Resource Model” required in Claims 1 and 17. However, in the claimed invention, the Concrete Resource Model describes a **desired resource structure**. On the other hand, Osborn states, “an abstract resource specification that identifies hardware specification and interdependencies” at col. 3 lines 39-41. Osborn further states, “abstract resource description which identify application hardware requirement” at col. 3 lines 61-64. Thus, the abstract resource description in Osborn describes interdependencies of hardware resources and hardware requirement of an application. The abstract resource description in Osborn does not describe “a desired resource structure” required in Claims 1 and 17.

The Examiner takes an official notice to allege that “color attributes indicating whether the relationship must exist or not” would be obvious. The Applicants respectfully traverse the Examiner’s official notice. Applicants believe “the color attributes indicating whether the relationship must exist or not” required Claims 1 and 17 are novel and not well-known. Thus, the Examiner is respectfully requested to provide a reference to support the official notice.

Thus, Claims 1 and 17 are patentably distinct over Osborn, Saylor, whether alone or in a combination. The Examiner is respectfully requested to withdraw the rejection on Claims 1 and 17 under 35 U.S.C. § 103(a).

Claims 20-21 are being amended to properly recite a dependency. Thus, amended Claims 20-21 recite “The method” in claim preambles. Claims 16 and 20-21 depend on Claim 1. In the virtue of dependency, Claims 16 and 20-21 are patentably distinct over Osborn, Saylor, whether alone or in a combination.

Claim 18 depends on Claim 17. In the virtue of dependency, Claim 18 is patentably distinct over Osborn, Sylor, whether alone or in a combination.

Examiner rejects Claims 2, 3, 7, 8 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn and Sylor in a further view of Porter et al. (US Patent No. 6,332,023) (hereinafter “Porter”).

Claims 2, 3, 7, 8 and 19 are being amended to properly recite a dependency. Thus, amended Claims 2, 3, 7, 8 and 19 recite “The method” in claim preambles. Claims 2-3, 7-8 and 19 depend on Claim 1. In the virtue of dependency, Claims 2-3, 7-8 and 19 are patentable over Osborn, Sylor and Porter, whether alone or in a combination.

Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn, Sylor and Porter in a further view of Tulpule et al. (US Patent No. 4,980,824) (hereinafter “Tulpule”).

The Examiner alleges that Porter discuss “destroying the relationships between the resources, and changing values of the attributes in corresponding Resource Instance Services” at col. 3 lines 30-40. Col. 3 lines 30-40 of Porter discusses “evaluating attributes of candidate resources”. Porter does not discuss “destroying the relationships between the resources, and changing values of the attributes in corresponding Resource Instance Services” at all. Osborn, Sylor and Tulpule neither discuss “destroying the relationships between the resources, and changing values of the attributes in corresponding Resource Instance Services”. Thus, Claim 4 is patentably distinct over Osborn, Sylor, Porter and Tulpule, whether alone or in a combination.

Claims 4 and 5 are being amended to properly recite a dependency. Thus, amended Claims 4 and 5 recite “The method” in claim preambles.

Claim 5 depends on Claim 1. In the virtue of dependency, Claim 5 is patentable over Osborn, Sylor, Porter and Tulpule, whether alone or in a combination.

Examiner rejects Claim 6 as allegedly being unpatentable over Osborn, Sylor, Porter and Tulpule in a further view of Jenner (US Patent No. 4,648,031) (hereinafter “Jenner”).

Claim 6 is being amended to properly recite a dependency. Thus, amended Claim 6 recites “The method” in the claim preamble. Claim 6 depends on Claim 1. In the virtue of dependency, Claim 6 is patentable over Osborn, Sylor, Porter, Tulpule and Jenner, whether alone or in a combination.

Examiner rejects Claims 9 and 10 as allegedly being unpatentable over Osborn and Sylor in a further view of Glasmann et al. (US Patent Application Publication No. 2004/0128397 A1) (hereinafter “Glasmann”).

Claims 9 and 10 are being amended to properly recite a dependency. Thus, amended Claims 9 and 10 recite “The method” in claim preambles. Claims 9 and 10 depend on Claim 1. In the virtue of dependency, Claims 9 and 10 are patentable over Osborn, Sylor and Glasmann, whether alone or in a combination.

Examiner rejects Claim 12 as allegedly being unpatentable over Osborn and Sylor in a further view of Chellis et al. (US Patent No. 6,901,446 B2) (hereinafter “Chellis”).

Claim 12 is being amended to properly recite a dependency. Thus, amended Claim 12 recites “The method” in the claim preamble. Claim 12 depends on Claim 1. In the virtue of dependency, Claim 12 is patentable over Osborn, Saylor and Chellis, whether alone or in a combination.

Examiner rejects Claims 13 and 14 as allegedly being unpatentable over Osborn and Saylor in a further view of Newman et al. (US Patent No. 5,151,984) (hereinafter “Newman”).

Claims 13 and 14 are being amended to properly recite a dependency. Thus, amended Claims 13 and 14 recite “The method” in the claim preamble. Claims 13 and 14 depend on Claim 1. In the virtue of dependency, Claims 13 and 14 are patentable over Osborn, Saylor and Newman, whether alone or in a combination.

Claim 22 is being newly added without entering new matter. The subject matter of Claim 22 is found at a paragraph [0055] of the corresponding Pre-Granted Publication (US 2005/0177600 A1). The Claim 22 discusses that fixed relationships in the Concrete Resource Model matches fixed relationships of a matching Resource Instance Service in terms of type of the fixed relationships, direction of the fixed relationships and matching endpoint nodes. The subject matter of Claim 22 is not found in Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination. Thus, Claim 22 is patentably distinct over Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination.

Claim 23 is being newly added without entering new matter. The subject matter of Claim 23 is found at a paragraph [0059] of the corresponding Pre-Granted Publication (US 2005/0177600 A1). The Claim 23 discusses that for every dynamic relationship in the Concrete Resource Model, a provisioning action establishes a relationship in the knowledge subsystem if the relationship does not exist in the knowledge subsystem. The subject matter of Claim 23 is not found in Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination. Thus, Claim 23 is patentably distinct over Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination.


Claim 24 is being newly added without entering new matter. The subject matter of Claim 23 is found at a paragraph [0059] of the corresponding Pre-Granted Publication (US 2005/0177600 A1). The Claim 24 discusses “for every node in the Concrete Resource Model, for every attribute whose value is different from value of an attribute in a matching Resource Instance Service, the at least one provisioning action is performed on the matching Resource Instance Service to change the value of the attribute in the matching Resource Instance Service”. The subject matter of Claim 24 is not found in Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination. Thus, Claim 24 is patentably distinct over Osborn, Saylor, Porter, Tulpule, Jenner, Glasmann, Chellis, Newman, whether alone or in a combination.

**Conclusion**

Thus, the Examiner is respectfully requested to consider Claims 1-10, 12-14, and 16-24 in light of the distinctions described in the above remarks, to allow these claims to proceed to issuance, which action is respectfully solicited.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

  
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